

**REMARKS/ARGUMENTS**

The present Amendment is in response to the Final Office Action having a mailing date of December 14, 2004. Claims 1 and 3-25 are pending in the present Application. Applicant has amended claims 1, 11, 14, 19 and 21. Applicant has canceled claims 7 and 23. Applicant has added claim 26. Consequently, claims 1, 3-6, 8-22, and 24-26 remain pending in the present Application.

This application is under Final Rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the Amendment to clarify issues upon appeal.

Applicant has amended claims 1 and 11 to remove the element added in the Amendment dated April 30, 2004. These elements corresponded to claims 2 and 12, respectively. Applicant has also incorporated the elements of claims 7 and 23 into independent claims 1 and 19, respectively. Applicant has also amended claim 11 to incorporate an element analogous to claims 7 and 23, harmonizing claim 11 and claims 1 and 19. Applicant has rewritten claim 14 in independent form. Applicant has also added claim 26, which corresponds to previously presented claim 2. Accordingly, Applicant respectfully submits that no new matter is added and no new search is required.

In the above-identified Office Action, the Examiner indicated that claims 7, 14, and 23 contained allowable subject matter. Applicant welcomes the Examiner's indication that claims 7, 14, and 23 would be allowable if rewritten in independent form. Applicant also notes that in the previous Office Action dated January 30, 2004, the Examiner indicated that claims 7 and 23 were allowable as originally presented.

Applicant has amended claims 1 and 19 to incorporate the limitations of claims 7 and 23, respectively, as originally presented. Consequently, Applicant respectfully submits that claims 1 and 19 are allowable as currently presented.

Applicant has amended claim 14 to be in independent form and incorporate the limitations of claim 11 except for the limitation requiring that the “rotor is coupled to said head so that said axis or rotation is substantially aligned with a center of mass of said coupled head and rotor . . .” which was added in the previous amendment. Applicant respectfully submits that neither Kurihara nor Soeno teach or suggest that the rotor is shaped substantially as a letter H. For at least this reason, claim 14 is allowable over the cited references.

In the above-identified Office Action dated December 14, 2005, the Examiner objected to claim 12 as being of improper dependent form.

Applicant has amended claim 11 to remove the limitation relating to the center of mass. Consequently, Applicant respectfully submits that the Examiner’s objection to claim 12 is moot.

In the above-identified Office Action, the Examiner objected to the drawings. In particular the Examiner indicated that the “first piece includes a frame that at least partly encircles the second piece” as recited in claim 3 was not shown in the figures.

Applicant respectfully draws the Examiner attention to paragraphs [58]-[59] and [72] of the present application as well as to the accompanying drawing, Fig. 16. Fig. 16 discloses the actuator including a central portion and an outer portion. Paragraphs [58]-[59] and [72] disclose that different portions of the actuator—the central portion or the outer portion—can be attached to the head or the flexure, or vice versa. Consequently, Applicant respectfully submits that the drawings show every feature of the claims, including claim 3.

In the above-identified Office Action, the Examiner rejected claims 1, 5, 9-12, and 16-18 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,587,313 (Kurihara).

Applicant respectfully traverses the Examiner's rejection. For the reasons discussed above, claim 1 is allowable. Similarly, claim 11 recites that "one of said deformable elements is elongated in a first direction between said rotor and said stator, said one deformable element having a thickness measured in a second direction that is perpendicular to said first direction, wherein said thickness is reduced adjacent to said axis of rotation to form a flexible region of said one deformable element adjacent to said axis of rotation." Kurihara fails to teach or suggest such deformable elements. The deformable elements of Kurihara, such as the spiral arms 200b depicted in Fig. 3 of Kurihara, have a thickness in a direction perpendicular to the elongation direction that is not reduced near the axis of rotation. Consequently, Kurihara fails to teach or suggest the apparatus recited in Figure 11. Accordingly, Applicant respectfully submits that claim 11 is also allowable over the cited references.

Claims 5 and 9-10 and claims 12 and 16-18 depend upon claims 1 and 11, respectively. Consequently, claims 5, 9-10, 12 and 16-18 are allowable over the cited references.

Moreover, claims 10, 17, and 18 are separately allowable over Kurihara. For example, claims 10, 17, and 18 recite the use of a damping material. As the Examiner indicated, Kurihara does describe the use of a conductive adhesive in col. 6, lines 56-59. However, there is no indication in Kurihara that the conductive adhesive has the "inherent damping characteristics" cited by the Examiner. For at least this reason, claims 10, 17, and 18 are separately allowable over the cited references.

The Examiner also rejected claims 1, 3, 5-6, 8-12, 16-22, and 24-25 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,246,552 (Soeno).

As discussed above, claims 1, 11, and 19 are allowable as currently presented. Claims 3, 5-6 and 8-10 depend upon claim 1. Claims 12 and 16-18 depend upon claim 11. Claims 20-22 and 24-25 depend upon independent claim 19. Consequently, the arguments herein apply with full force to claims 2, 5-6, 8-10, 12, 16-18. Accordingly, Applicant respectfully submits that claims 2, 5-6, 8-10, 12, 16-18 are allowable over the cited references.

Moreover, claims 10, 17, and 18 are separately allowable over Soeno. For example, claims 10, 17, and 18 recite the use of a damping material. As the Examiner indicated, Soeno does describe the use of a conductive adhesive in col. 17, line 5 and the use of an integrated piece in lieu of adhesive col. 11, lines 38-50. However, there is no indication in Soeno that the adhesive has “inherent damping characteristics” cited by the Examiner. For at least this reason, claims 10, 17, and 18 are separately allowable over the cited references.

The Examiner also rejection claims 3-4. Claims 3-4 depend upon claim 1. Consequently, the arguments herein apply with full force to claims 3-4. Accordingly, Applicant respectfully submits that claims 3-4 are allowable as presented.

New claim 26 depends upon claim 1. Consequently, the arguments herein apply with full force to claim 26. Accordingly, Applicant respectfully submits that claim 26 is allowable as presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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